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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,502	10/27/2000	Nereida Maria Menendez	285277-00018	6442

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EXAMINER

VIG, NAresh

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/698,502	MENENDEZ ET AL.
	Examiner	Art Unit
	Naresh Vig	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 July 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

This is reference to the response received on 21 July 2003 to the office action mailed on 07 May 2003. There are 17 claims, claims 1 – 17 pending for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is dependent on claim 6. Claim 8 further recites the limitation "provisionally entering at least some of the said rental-related information from the history file". Claim 6 recites "entering at least some of the said rental-related information

from the history based upon said information from an identification of a user". It is unclear to the examiner on what information is provisionally entered from the history file which is not extracted from and entered in claim 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5, 10 – 12 and 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz Corporation hereinafter known as Hertz in view of Avis Rent A Car System, Inc. hereinafter known as Avis.

Regarding claim 1, Hertz discloses interactive rates and reservation system. Hertz discloses that now you (user) can check the latest Hertz rates and instantly make, modify (user can retrieve previously stored reservation to make modification), or, cancel (user can retrieve previously stored reservation to cancel) reservation on-line [page 17].

Hertz discloses entering reservation-related information and rental-related

information for an item [page 62] without employing a master rental agreement [Page 66].

Hertz discloses providing a reservation for item based upon reservation-related information [Page 67 - 68].

Hertz discloses creating and displaying a rental proposal based upon reservation and said rental-related information [page 67 – 68].

Hertz discloses electronically accepting said rental proposal [page 68].

Hertz does not disclose storing the electronic rental agreement based upon said accepted rental proposal. However, Hertz discloses that customers can modify or cancel reservations [pages 17 and 32]. Hertz requires customer name and confirmation number to retrieve the reservation information. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that Hertz system and method stores the reservation information to retrieve it at a later time to allow customer to make modifications or cancel the reservation. Avis discloses storing rental information. Avis disclose to retrieve rental information base upon the reservation number [page 13]. Therefore, it is would have been obvious at the time of invention was made to one of ordinary skill in the art to store information for retrieval at a later time to reduce reservation personnel cost by automating the reservation cancellation and modification process.

Regarding claim 2, Hertz discloses entering rental-related information without employing a master rental agreement [pages 62 and 67].

Regarding claim 3, Hertz discloses manually entering rental-related information online [pages 18 – 21, 62].

Regarding claim 4, Hertz discloses you can use some or all of the information contained in your rental profile (entering at least some of rental-related information from a master rental agreement) [page 17].

Hertz discloses allowing customers to modify information from the master rental agreement for rental without modifying the master rental agreement [pages 17, 21].

Regarding claim 5, Hertz discloses entering at least one of a member identification and a user name to identify said master rental agreement [page 21]. Also, Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a design choice to ask the user for identification. For example, a business may elect to use user-id and password to identify a user, whereas the other may require card number and assigned PIN to identify a user (used by banks, e.g. Chevy Chase Federal Savings Bank in Maryland).

Regarding claim 10, Hertz discloses sending a message to a Hertz file system responsive to said accepting step ["Reserve" on page 68] to indicate that a user has accepted said rental proposal (Hertz disclose to provide confirmation number to user which the user can use to make changes to the reservation or cancel the reservation) [page 32].

Regarding claim 11, Hertz discloses storing a unique transaction in the database system for said accepted rental proposal [page 22].

Regarding claim 12, applicant acknowledges that at the client system 26, the customer clicks on an "I accept" button on a web page, which, in turn, is stored by the mainframe 66 as an electronic signature. Hertz discloses "Reserve" button on web page [page 68].

Regarding claim 14, Hertz discloses offering rental options [page 24, car type and class]. Also, Hertz discloses to offer optional options like insurance coverage to customers [page 67].

Hertz discloses to offer customers a choice to accept or reject an option offered by Hertz to the customer. Hertz discloses that customers can decide if they wish the accept the optional LDW (offer).

Hertz does not disclose to have automated the optional insurance offerings to the user to make the selection at the time of reservation. However, Hertz discloses to have the capability to provide list of choices for users from which the user can make selection by clicking on the selection button (flags) [page 66]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the selection process for the optional offerings to expedite the reservation process and eliminate getting user initials when the user decides to decline the optional insurance should the business decide to do so (business choice).

Regarding claim 15, Hertz discloses to retrieved the stored rental information to allow the user to cancel the reservation, or, make modifications to the reservation. Hertz does not disclose to determine whether the user accepted or declined the options based upon stored flags. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a design choice whether to store the user selections (flags), and, if the flags are stored, then user selections can be determined using the stored flags.

Regarding claim 16, Hertz discloses electronically accepting rental proposal at a client system [pages 67 – 68].

Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz Corporation hereinafter known as Hertz in view of Avis Rent A Car System, Inc. hereinafter known as Avis and further in view of Coutts et al. US Patent 5,389,773 hereinafter known as Coutts.

Regarding claims 6 and 8, Hertz discloses customer entering member identification and user identification [page 21]. Hertz discloses to maintain information on user, and Hertz discloses that the information stored on the system can be for making reservations [page 17].

Hertz does not disclose to maintain history of transactions by a user, and use the historical data to partially complete the rental application. Coutts discloses a self-service system which uses predictive technology. When a user begins a transaction by inserting an identification card into a card reader of an ATM, the predictive technology predicts which service or services provided by the system the user is likely to request. This prediction is based upon a stored record in the system, representing previous transactions by that user (history of transactions). The prediction is made in advance of completion of a process for the transaction, to increase the speed of operation

[abstract]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to maintain transaction history on a customer to make predictions in advance of completion of a process for the transaction, to expedite reservation process.

Regarding claim 7, Hertz discloses that renters must possess a valid driver's license and be subject to driver's license verification.

Regarding claim 9, Hertz discloses that customer can use some or all of the information stored in Hertz system to complete rental application [page 17]. Hertz does not disclose maintaining history file. Hertz does not disclose to maintain history of transactions by a user, and use the historical data to partially complete the rental application. Coutts discloses that its predictive technology predicts which service or services provided by the system the user is likely to request. This prediction is based upon a stored record in the system, representing previous transactions by that user (history of transactions). The prediction is made in advance of completion of a process for the transaction, to increase the speed of operation [abstract]. Therefore, it would have been obvious to a person with ordinary skill in the art to allow customers to modify the information filled in by the system to enable them to change their information and be

able to select from choices offered by the system (for example, user may want to use a different credit card for the current rental application).

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz Corporation hereinafter known as Hertz in view of Avis Rent A Car System, Inc. hereinafter known as Avis and further in view of an article "Dollar Rent A Car Introduces DOLLAR® TRAVEL CENTER At Key Airport Locations, Customers Obtain Free Travel Information At Interactive Kiosks" from KioskCom.com hereinafter known as KioskCom.

Regarding claim 13, Hertz does not disclose using kiosks. KioskCom discloses the Dollar Rent A Car introduced the "DOLLAR® TRAVEL CENTER," an interactive kiosk providing helpful travel information for its customers at Atlanta, Ft. Lauderdale, Miami, Las Vegas and Los Angeles airports. The kiosks are conveniently located at the DOLLAR pickup and return areas at each airport. By touch, customers can make air, hotel and DOLLAR car rental reservations; obtain U.S. weather forecasts, driving directions and event information; access personal Web-based e-mail accounts, as well as receive free Internet access and view the top headline news of the day, all at the interactive kiosk. Therefore, it would have been obvious to a person with ordinary skill in the art to use kiosks to provide point of sales at locations convenient to customers.

Regarding claim 17, Hertz does not disclose using kiosks. KioskCom discloses the Dollar Rent A Car introduced the "DOLLAR® TRAVEL CENTER," an interactive kiosk providing helpful travel information for its customers at Atlanta, Ft. Lauderdale, Miami, Las Vegas and Los Angeles airports. The kiosks are conveniently located at the DOLLAR pickup and return areas at each airport. By touch, customers can make air, hotel and DOLLAR car rental reservations; obtain U.S. weather forecasts, driving directions and event information; access personal Web-based e-mail accounts, as well as receive free Internet access and view the top headline news of the day, all at the interactive kiosk. Therefore, it would have been obvious to a person with ordinary skill in the art to use kiosks to provide point of sales at locations convenient to customers

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

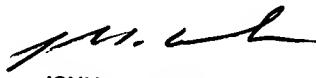
1. Joseph US Publication 2001/0034690
2. Gale et al. US Patent 6,334,107
3. Foss et al. US Publication 2001/0034700

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

October 6, 2003  
Naresh Vig

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600